

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FEDERAL DEPOSIT INSURANCE
CORPORATION as receiver of THE
NATIONAL REPUBLIC BANK OF
CHICAGO,

Plaintiff,

v.

NORTH BRUNSWICK HOSPITALITY
GROUP, LLC; NORTH BRUNSWICK
HOSPITALITY LIQUOR, LLC; NORTH
BRUNSWICK RESTAURANT LIMITED
LIABILITY COMPANY; CHUTNEY
PARTNERS LIMITED LIABILITY
COMPANY; SUNIL NAYAK;
VANDANA NAYAK; MINESH PATEL;
and RAJENDRA PATEL

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a), 12 U.S.C. § 1819(b)(2) please take notice that:

Plaintiff, Federal Deposit Insurance Corporation (“FDIC”), as Receiver for The National Republic Bank of Chicago, Chicago, Illinois, in the civil action filed as Case No. MID-L-003310-14 in the Superior Court of New Jersey, Middlesex County, Law Division (the “Action”), hereby removes the Action to the United States District Court for the District of New Jersey.

PROCEDURAL BACKGROUND

1. The captioned action is pending in the Superior Court of New Jersey, Middlesex County, Law Division, as of this date.

2. On October 24, 2014, the Office of the Comptroller of the Currency, appointed the FDIC as Receiver for The National Republic Bank of Chicago, Chicago, Illinois, pursuant to 12 U.S.C. §§ 191 and 1821(c). See Order Appointing FDIC as Receiver, attached as **Exhibit**

1. On the same date, the FDIC accepted the appointment as receiver for the Bank pursuant to 12 U.S.C. § 1821 (c). *See* FDIC Acceptance of Appointment as Receiver, attached as **Exhibit 2**.

3. On November 7, 2014, the FDIC hand delivered a Notice of Substitution of Federal Deposit Insurance Corporation, as Receiver for The National Republic Bank of Chicago, Chicago, Illinois, as a Plaintiff in the Action. *See* Notice of Substitution, **Exhibit 3**.

4. A true and correct copy of all process, pleadings, and orders filed in this case, as required by 28 U.S.C. § 1446(a) are attached as **Exhibits 4**.

BASIS FOR REMOVAL: SUBSTITUTION OF THE FDIC AS A PARTY

5. The district courts of the United States have original jurisdiction over the Action pursuant to 12 U.S.C. § 1819(b)(2), which provides:

(2) Federal court jurisdiction

(A) Except as provided in subparagraph (D), all suits of a civil nature at common law or in equity to which the Corporation [FDIC], in any capacity, is a party shall be deemed to arise under the laws of the United States.

(B) Except as provided in subparagraph (D), the Corporation [FDIC] may, without bond or security, remove any action, suit, or proceeding from a State court to the appropriate United States district court before the end of the 90-day period beginning on the date the action, suit, or proceeding is filed against the Corporation [FDIC] or the Corporation [FDIC] is substituted as a party.

6. Pursuant to 12 U.S.C. § 1819(b)(2), the FDIC has an absolute right to remove the Action to this Court, as long as such removal occurs within ninety (90) days of the substitution. The FDIC's removal of the Action is timely and not within an exception set forth in 12 U.S.C. §

1819(b)(2)(D). By virtue of the provisions of 12 U.S.C. § 1819(b)(2), and in accordance with the procedure set forth in 28 U.S.C. § 1446, this matter is one which may be removed to the United States District Court for the District of New Jersey.

7. Counsel for the FDIC certifies that they will provide written notification to Defendant's counsel of this Notice of Removal as required by 28 U.S.C. § 1446(d). The FDIC will promptly file a Notification of Removal attaching a copy of this Notice of Removal with the Clerk of the Superior Court of New Jersey, Middlesex County, Law Division, where the Action is currently pending as required by 28 U.S.C. § 1446(d).

WHEREFORE, Plaintiff, Federal Deposit Insurance Corporation, as Receiver for The National Republic Bank of Chicago, Chicago, Illinois, pursuant to the statutes referenced above and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes the case styled National Republic Bank of Chicago v. North Brunswick Hospitality Group, LLC, North Brunswick Hospitality Liquor, LLC, North Brunswick Restaurant Limited Liability Company; Chutney Partners Limited Liability Company; Sunil Nayak; Vandana Nayak; Minesh Patel and Rajendra Patel, Superior Court of New Jersey, Law Division, Middlesex County, docket MID-L-003310-14, on this 7th day of November, 2014.

Dated: November 7, 2014

Respectfully submitted,

/s/ Timothy P. Duggan (TD-3231)

Timothy P. Duggan

Attorneys for Federal Deposit Insurance Corporation ("FDIC"), as Receiver for The National Republic Bank of Chicago

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing is being furnished this
— 7th day of November, 2014, via regular U.S. Mail, postage prepaid, to the
Defendants' counsel:

Mahesh Rajan, Esq.
RAJAN & RAJAN
Attorneys at Law
3146 Route 27, Suite 202
Kendall Park, NJ 08824

/s/ Timothy P. Duggan (TD-3231)
Timothy P. Duggan
*Attorneys for Federal Deposit Insurance
Corporation ("FDIC"), as Receiver for The
National Republic Bank of Chicago*